



General Assembly

**Substitute Bill No. 5408**

February Session, 2010

\* \_\_\_\_HB05408JUD\_\_032610\_\_ \*

**AN ACT CONCERNING PROBATE COURT OPERATIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 45a-8a of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *January 5, 2011*):

4 (g) (1) The Probate Court Administrator, with the advice of the  
5 participating probate judges of the districts located in the designated  
6 region, shall appoint an administrative judge for each regional  
7 children's probate court. The administrative judge shall be a probate  
8 judge at the time of such appointment. If the administrative judge  
9 ceases to serve as a probate judge after such appointment, the  
10 administrative judge may continue to serve as administrative judge at  
11 the pleasure of the Probate Court Administrator, but shall not have the  
12 powers granted to an elected probate judge and shall not hear and  
13 determine children's matters before such regional children's probate  
14 court. Subject to the approval of the Chief Court Administrator, the  
15 Probate Court Administrator shall fix the compensation of the  
16 administrative judge and such compensation shall be paid from the  
17 Probate Court Administration Fund. Such compensation, together with  
18 the administrative judge's compensation as a probate judge of the  
19 district to which he or she was elected, shall not exceed the  
20 compensation provided for a judge of probate under [subsection (k) of

21 section 45a-92] subdivision (4) of subsection (a) of section 45a-95a. The  
22 administrative judge shall have such benefits as may inure to him or  
23 her as a probate judge and shall receive no additional benefits, except  
24 for compensation provided under this section.

25 (2) Each administrative judge shall be responsible for the  
26 management of cases, coordination of social services, staff, financial  
27 management and record keeping for the regional children's probate  
28 court for which the administrative judge is appointed. The  
29 administrative judge may, with the approval of the Probate Court  
30 Administrator, purchase furniture, office supplies, computers and  
31 other equipment and contract for services that the administrative judge  
32 may deem necessary or advisable for the expeditious conduct of the  
33 business of the regional children's probate court. Such expenses shall  
34 be paid for pursuant to section 45a-8. If a separate facility for a regional  
35 children's probate court is established pursuant to subdivision (2) of  
36 subsection (d) of this section, the participating town or city shall be  
37 reimbursed for such expenses from the Probate Court Administration  
38 Fund upon presentation of vouchers to the Probate Court  
39 Administrator.

40 Sec. 2. Section 45a-20 of the general statutes is repealed and the  
41 following is substituted in lieu thereof (*Effective January 5, 2011*):

42 When a three-judge court is appointed by the Probate Court  
43 Administrator, [said] the administrator may pay from the fund  
44 authorized under section 45a-82 a per diem rate not to exceed two  
45 hundred fifty dollars for each judge that has been cited in, other than  
46 the judge in whose district the matter is being heard, provided such  
47 payment under this section, when combined with the compensation  
48 that the judge receives as a judge of probate of the district to which the  
49 judge was elected, does not exceed the compensation provided for a  
50 judge of probate under subdivision (4) of subsection (a) of section 45a-  
51 95a. Such payment shall be made in accordance with regulations  
52 promulgated by the Probate Court Administrator. [and shall be  
53 included as income to the receiving judge under section 45a-92.]

54 Sec. 3. Section 45a-79b of the general statutes is repealed and the  
55 following is substituted in lieu thereof (*Effective January 5, 2011*):

56 (a) There shall be special assignment probate judges appointed by  
57 the Chief Justice of the Supreme Court, on nomination by the Probate  
58 Court Administrator, from among the judges of probate elected as  
59 provided in section 45a-18. A nominee of the Probate Court  
60 Administrator shall have demonstrated the special skill, experience or  
61 expertise necessary to serve as a special assignment probate judge. The  
62 Probate Court Administrator shall issue regulations pursuant to  
63 subdivision (1) of subsection (b) of section 45a-77 to establish  
64 requirements concerning the responsibilities of special assignment  
65 probate judges and the number, geographic distribution and expertise  
66 of such judges. A special assignment probate judge shall serve at the  
67 pleasure of the Chief Justice.

68 (b) Subject to the approval of the Chief Court Administrator, the  
69 Probate Court Administrator shall fix the compensation of special  
70 assignment probate judges appointed pursuant to this section. Such  
71 compensation shall, on the order of the Probate Court Administrator,  
72 be paid from the Probate Court Administration Fund established  
73 under section 45a-82. Such compensation, including compensation that  
74 a special assignment probate judge receives as a judge of probate of the  
75 district to which [he or she] the judge was elected, shall not exceed the  
76 compensation provided for a judge of probate under [subsection (k) of  
77 section 45a-92] subdivision (4) of subsection (a) of section 45a-95a. A  
78 special assignment probate judge shall have such benefits as may inure  
79 to him or her as a judge of probate and shall receive no additional  
80 benefits, except compensation provided under this subsection.

81 Sec. 4. Section 45a-44 of the general statutes is repealed and the  
82 following is substituted in lieu thereof (*Effective January 1, 2011*):

83 (a) Each employee shall contribute to the fund three and three-  
84 quarters per cent of that portion of [such] the employee's pay from  
85 which contributions are not to be deducted under the Federal Old Age

86 and Survivors Insurance System as provided for in sections 7-452 to 7-  
87 459, inclusive, and one per cent of that portion of pay from which  
88 contributions are to be deducted. [Contributions are to be deducted by  
89 the employing court of probate and forwarded] The Probate Court  
90 Administrator shall deduct the employee's contributions from the  
91 employee's pay and shall forward such contributions to the Retirement  
92 Commission to be credited to the retirement fund on the employee's  
93 account. [, in four payments, payable on or before the last day of  
94 March, June, September and December of the applicable year. Any  
95 retirement contributions not paid within thirty days of such date shall  
96 incur simple interest at the rate of twenty per cent per annum.]

97 (b) (1) Any employee who leaves the employment of the court  
98 before becoming eligible for retirement may, on request to the  
99 Retirement Commission, withdraw the total of all contributions made  
100 by [him] the employee, without interest, provided, if [he] the employee  
101 makes no such request within ten years after leaving, [his] the  
102 employee's contributions shall revert to the fund.

103 (2) Notwithstanding the provisions of subdivision (1) of this  
104 subsection, if such employee's departure from probate service or  
105 withdrawal of contributions is on or after October 1, 1986, the  
106 withdrawal of contributions shall include interest credited from the  
107 later of (A) January 1, 1986, or (B) the first day of the calendar year  
108 following the date of actual contribution, to the first day of the  
109 calendar year coincident with or preceding the date the employee  
110 leaves probate service. Such interest shall be credited at the rate of five  
111 per cent per year. In addition, for the partial calendar year during  
112 which the employee leaves probate service or withdraws  
113 contributions, provided such date is after January 1, 1986, interest shall  
114 be credited at the rate of five-twelfths of one per cent multiplied by the  
115 full number of months completed during such calendar year, such  
116 interest rate to be applied to the value of contributions, including any  
117 prior interest credits, as of the first day of such calendar year.

118 (3) Any employee who withdraws [his] the employee's

119 contributions from the fund and is subsequently reinstated shall not  
120 receive credited service for such prior employment in the computation  
121 of any benefit with respect to [him] the employee under the retirement  
122 plan unless the withdrawn contributions have been repaid with  
123 interest at a rate to be determined by the commission. Any employee  
124 who was ineligible for retirement benefits at the time of [his] the  
125 employee's employment and who has not made contributions under  
126 this section, who becomes eligible, or whose spouse becomes eligible,  
127 for any benefit under the retirement plan, shall receive credited service  
128 for any employment, provided such employee makes such  
129 contributions with interest at a rate to be determined by the  
130 commission.

131 Sec. 5. Section 45a-45 of the general statutes is repealed and the  
132 following is substituted in lieu thereof (*Effective January 1, 2011*):

133 (a) Each judge of probate shall contribute to the fund three and  
134 three-quarters per cent of that portion of the judge's annual  
135 compensation with respect to which contributions are not made to the  
136 Federal Old Age and Survivors System as provided for in sections 7-  
137 452 to 7-459, inclusive, and one per cent of that portion from which  
138 such contributions are made. [Contributions are to be forwarded by  
139 the judge of probate] The Probate Court Administrator shall deduct  
140 the judge's contributions from the judge's compensation and shall  
141 forward such contributions to the Retirement Commission to be  
142 credited to the retirement fund on the judge's account.

143 [(b) Retirement contributions to the fund shall be made in four  
144 installments payable on or before the last day of March, June,  
145 September and December of the applicable year, and each payment  
146 shall approximate as closely as possible one-fourth of the estimated  
147 annual contribution based upon the estimated annual net income of  
148 the office, provided, if the amount to be forwarded is less than one  
149 hundred dollars, remittances shall be made in one payment on or  
150 before December thirty-first of the applicable year.

151 (c) When the actual net income for a particular year becomes  
152 known, and in no event later than March first of the following year, the  
153 probate judge shall add to his next payment the amount of any  
154 deficiency, or subtract from his next payment the amount of any excess  
155 contributions for said year. If a judge has no net income in any  
156 particular year, the Probate Court Administrator shall report  
157 accordingly to the Retirement Commission. Any retirement  
158 contributions not paid within thirty days of the time prescribed in  
159 subsection (b) or this subsection shall incur simple interest at the rate  
160 of twenty per cent per annum.]

161 [(d)] (b) (1) Any judge [leaving] who leaves office before becoming  
162 eligible for a retirement allowance may, on request to the Retirement  
163 Commission, withdraw the total of all contributions made by [him] the  
164 judge, without interest, provided, if [he] the judge makes no such  
165 request within ten years after leaving office, [his] the judge's  
166 contributions shall revert to the fund.

167 (2) Notwithstanding the provisions of subdivision (1) of this  
168 subsection, if such judge's departure from office or withdrawal of  
169 contributions is on or after October 1, 1986, the withdrawal of  
170 contributions shall include interest credited from the later of (A)  
171 January 1, 1986, or (B) the first day of the calendar year following the  
172 date of actual contribution, to the first day of the calendar year  
173 coincident with or preceding the date the judge leaves office. Such  
174 interest shall be credited at the rate of five per cent per year. In  
175 addition, for the partial calendar year during which the judge leaves  
176 office or withdraws contributions, provided such date is after January  
177 1, 1986, interest shall be credited at the rate of five-twelfths of one per  
178 cent multiplied by the full number of months completed during such  
179 calendar year, such interest rate to be applied to the value of  
180 contributions, including any prior interest credits, as of the first day of  
181 such calendar year.

182 (3) Any judge who withdraws [his] the judge's contributions from  
183 the fund and is subsequently reinstated shall not receive credited

184 service for such prior time in office in the computation of any benefit  
185 under the retirement plan unless the withdrawn contributions have  
186 been repaid with interest at a rate to be determined by the commission.  
187 Any judge who was ineligible for retirement benefits at the time he or  
188 she became a judge and who has not made contributions under this  
189 section, who becomes eligible, or whose spouse becomes eligible, for  
190 any benefit under the retirement plan, shall receive credited service for  
191 any time in office, provided such judge makes such contributions with  
192 interest at a rate to be determined by the commission.

193 Sec. 6. Section 45a-74 of the general statutes is repealed and the  
194 following is substituted in lieu thereof (*Effective from passage*):

195 (a) There shall be a Probate Court Administrator who shall be  
196 appointed from among the judges of the several courts of probate by  
197 the Chief Justice of the Supreme Court to serve at his pleasure. If the  
198 Probate Court Administrator is unable by reason of sickness, absence  
199 or other disability to perform the duties of his office, or if there is a  
200 vacancy in the office of Probate Court Administrator, the Chief Justice  
201 shall designate another judge of a court of probate to act in his stead  
202 until he resumes his duties or until a new Probate Court Administrator  
203 is appointed.

204 (b) The Probate Court Administrator shall devote full time to the  
205 duties of his office except that he may serve as a judge of probate but  
206 shall not engage in the private practice of law. Any Probate Court  
207 Administrator who continues to serve as a judge of probate shall not  
208 receive compensation as a judge of probate or benefits that would  
209 ordinarily inure to him as a judge of probate while he is serving as  
210 Probate Court Administrator. Any Probate Court Administrator who  
211 ceases to serve as a judge of probate may continue to serve as Probate  
212 Court Administrator at the pleasure of the Chief Justice.

213 Sec. 7. Section 45a-92 of the 2010 supplement to the general statutes  
214 is repealed and the following is substituted in lieu thereof (*Effective*  
215 *from passage*):

216 (a) Each person who is a judge of probate at any time during any  
217 calendar year shall file with the Probate Court Administrator on or  
218 before April first of the succeeding year a statement signed under  
219 penalty of false statement showing the actual gross receipts and  
220 itemized costs of his or her office and the net income for each such  
221 calendar year. If such person ceases to hold office, he or she shall also  
222 file with the Probate Court Administrator, on or before April first of  
223 the second and third years next following, a statement signed under  
224 penalty of false statement showing his or her net income from his or  
225 her former office for the first and second calendar years next following  
226 the calendar year in which he or she ceased to hold office. At the time  
227 of filing, each such person shall pay to the State Treasurer as  
228 hereinafter provided the sum required by this section, less sums  
229 previously paid to the State Treasurer on account. Payment shall be  
230 credited by the State Treasurer to the fund established by section  
231 45a-82. The requirement to file a statement under this subsection shall  
232 not apply with respect to any calendar year beginning on or after  
233 January 1, 2011.

234 (b) The personal representative of each person who holds the office  
235 of judge of probate, at any time during any calendar year, and dies  
236 while in office, or within twenty-four months after ceasing to hold  
237 office, shall file with the Probate Court Administrator, on or before  
238 March first next following such death, a statement signed under  
239 penalty of false statement showing the actual gross receipts and  
240 itemized costs of the decedent's office for the preceding calendar year  
241 and the decedent's net income from that office for such calendar year.  
242 The personal representative shall file with the Probate Court  
243 Administrator on or before March first of the second year following  
244 said death a statement signed under penalty of false statement  
245 showing the net income to the decedent's estate from such office for  
246 the preceding calendar year. The requirement to file a statement under  
247 this subsection shall not apply with respect to any calendar year  
248 beginning on or after January 1, 2011.

249 (c) Each judge of probate or personal representative, except a judge



250 of probate who is the Probate Court Administrator, shall at the time of  
 251 filing such returns pay to the State Treasurer to be credited to the fund  
 252 established by section 45a-82, a percentage of the annual net income  
 253 from such office based on the following table in which the percentage  
 254 appearing in the left column shall first be multiplied by the minimum  
 255 annual compensation of a high volume court as provided in subsection  
 256 (k) of this section, as in effect on the first day of July of the calendar  
 257 year for which an assessment is due pursuant to this section, the  
 258 product of which shall then be multiplied by the applicable percentage  
 259 appearing in the right column:

T1	First 20% of the compensation assessment rate	
T2	of a high volume court	\$1 nominal
T3	Next 6.67%	5%
T4	Next 6.66%	10%
T5	Next 6.67%	15%
T6	Next 6.67%	25%
T7	Next 6.66%	35%
T8	Next 13.34%	50%
T9	Next 33.33%	75%
T10	Next 33.67%	80%
T11	Next 66.67%	85%
T12	Next 133.33%	95%

260 Excess over 333.67%, up to maximum amount computed at 97.5% by  
 261 the Probate Court Administrator

262 All over the maximum amount computed at 100% by the Probate  
 263 Court Administrator.

264 As used in this subsection, "maximum amount" means the amount of  
 265 annual net income from such office which, when applying the  
 266 percentage payments set forth above, shall result in the judge of  
 267 probate retaining as net compensation, after the payment of the above  
 268 amounts, no more than the product resulting from the multiplication  
 269 of seventy-two dollars by the annual weighted-workload of the court,  
 270 as defined in regulations issued by the Probate Court Administrator  
 271 pursuant to subdivision (1) of subsection (b) of section 45a-77, but not

272 to exceed the compensation of a high volume court as set forth in  
273 subsection (k) of this section, provided this limitation shall not apply to  
274 those courts described in subsection (k) of this section. Such payment  
275 shall be deemed to be a necessary expense of such office, but shall not  
276 be deductible from the gross income for the purpose of determining  
277 net income of such office under this section. Notwithstanding the  
278 provisions of this subsection, the annual minimum compensation of a  
279 judge of probate shall be no less than the product resulting from the  
280 multiplication of fifteen dollars by the annual weighted-workload of  
281 the court, as defined in regulations issued by the Probate Court  
282 Administrator pursuant to subdivision (1) of subsection (b) of section  
283 45a-77, or no less than the judge's average compensation for the three-  
284 year period from January 1, 1996, to December 31, 1998, but, in no  
285 event shall that minimum compensation exceed that provided  
286 pursuant to subsection (k) of this section.

287 (d) (1) Any judge of probate who is the Probate Court Administrator  
288 shall pay to the State Treasurer, to be credited to said fund, one  
289 hundred per cent of the annual net income from his office during the  
290 period of time he serves as Probate Court Administrator. (2) For the  
291 purposes of this assessment, fees received after but earned before his  
292 appointment as Probate Court Administrator shall be subject to the  
293 assessment set forth in the table in subsection (c) of this section. Fees  
294 received after such judge of probate ceases to be the Probate Court  
295 Administrator but earned during his term as Probate Court  
296 Administrator shall be paid in full to the State Treasurer after the  
297 deduction of the expenses of his office. (3) The books and records of  
298 any judge of probate acting as Probate Court Administrator shall be  
299 audited by the Auditors of Public Accounts at the beginning of his  
300 term as Probate Court Administrator and thereafter at least annually  
301 during his term as Probate Court Administrator and upon completion  
302 of his term as Probate Court Administrator or as judge of probate  
303 whichever occurs first. (4) A judge of probate who is Probate Court  
304 Administrator shall make no expenditure in his court for salaries,  
305 equipment, or any other expenditure exceeding the sum of one

306 hundred dollars in the aggregate, annually, without first having  
307 obtained the approval of the Chief Court Administrator.

308 (e) (1) On or before January thirty-first of each year, each person  
309 required to make payment under this section shall estimate such  
310 annual net income and shall advise the Probate Court Administrator  
311 thereof, upon such forms and pursuant to such regulations as said  
312 administrator shall promulgate. (2) Each person who takes office as a  
313 judge of probate after February first of any calendar year, as the result  
314 of death, retirement, resignation or removal of the immediately  
315 previous incumbent of that office, shall file his estimate of annual net  
316 income with the Probate Court Administrator and shall make the  
317 necessary payment to the State Treasurer in accordance therewith not  
318 later than sixty days after taking office. (3) The requirement to estimate  
319 such annual net income and advise the Probate Court Administrator  
320 thereof under subdivision (1) of this subsection, and the requirement  
321 to file an estimate with the Probate Court Administrator under  
322 subdivision (2) of this subsection, shall not apply with respect to any  
323 calendar year beginning on or after January 1, 2011.

324 (f) If, based upon such estimate, the amount payable shall be less  
325 than one hundred dollars, the payment thereof shall be made in one  
326 payment on or before December thirty-first of the applicable year.  
327 Otherwise, the amount payable shall be made in four substantially  
328 equal installments payable on or before the last day of March, June,  
329 September and December of the applicable year, except that in the case  
330 of an estimate filed pursuant to subdivision (2) of subsection (e) of this  
331 section, the amount payable under such estimate shall be made in  
332 substantially equal installments on such installment payment dates  
333 next following the timely filing of such estimate in such year. The  
334 estimated payment may be amended and changed at any time during  
335 the year in which it is payable by increasing or decreasing the amount.  
336 The amount of such increase or decrease shall be paid for or adjusted  
337 in the installment or payment due at the time the estimated assessment  
338 is next payable after such amendment. The Probate Court  
339 Administrator may issue regulations pursuant to subdivision (1) of

340 subsection (b) of section 45a-77 to [carry out the intent of] implement  
341 this subsection.

342 (g) Upon the completion of each calendar year, and in any event on  
343 or before the first day of April of the succeeding calendar year, each  
344 person required to make payment under this section shall make a  
345 report signed under penalty of false statement to the Probate Court  
346 Administrator, upon forms prescribed by and subject to regulations  
347 promulgated by the administrator, of the following: (1) The gross  
348 income received by virtue of such office; (2) actual expenses incurred  
349 in connection with the office; (3) the net income of such office prior to  
350 the payment of the assessment installments hereinbefore provided; (4)  
351 the amount paid during the preceding calendar year to the State  
352 Treasurer on account of the foregoing estimate; and (5) the amount of  
353 the difference, if any, between the amount so paid and the amount  
354 actually due. [This] Such report shall be open to public inspection. The  
355 requirement to make a report under this subsection shall not apply  
356 with respect to any calendar year beginning on or after January 1, 2011.

357 (h) If the amount already paid was less than the amount due, such  
358 person shall, on or before March first of the succeeding calendar year,  
359 pay to the State Treasurer the entire deficiency. If the amount already  
360 paid was more than the amount due, such person shall either, at [his]  
361 such person's election and pursuant to regulations promulgated by the  
362 State Treasurer, be entitled to a refund of such excess payment to be  
363 paid from the fund provided by section 45a-82, or a credit in the  
364 amount of the overpayment to be charged against the future  
365 obligations of such person to said fund.

366 (i) (1) If any estimated quarterly payments required to be paid  
367 pursuant to subsection (f) of this section are less than one-fourth of  
368 seventy per cent of the total assessment due for that year or less than  
369 one-fourth of ninety-five per cent of the assessment paid for the prior  
370 year, such person shall be obligated to pay to such fund a penalty of  
371 ten per cent of the amount of the deficiency, except that the Probate  
372 Court Administrator may waive such penalty for cause in accordance

373 with regulations issued pursuant to subdivision (1) of subsection (b) of  
374 section 45a-77. Any such penalty shall become payable upon demand  
375 by the Probate Court Administrator, and be due within thirty days  
376 after such demand, in accordance with regulations issued by the  
377 Probate Court Administrator, and shall be subject to interest under  
378 subdivision (2) of this subsection in the event of default in such  
379 payment. (2) Any payments required under subsection (f) or (h) of this  
380 section which are not paid at the applicable times prescribed in said  
381 subsections, and any penalty payment required under subdivision (1)  
382 of this subsection which is not timely paid, shall incur simple interest  
383 at the rate applicable under section 12-376 for delinquent payment of  
384 succession and transfer taxes where no extension has been granted, to  
385 be payable to the State Treasurer and to be added to the [fund] Probate  
386 Court Administration Fund established under section 45a-82. Any  
387 alleged delinquency of a judge of probate in making payments as  
388 required under this section shall be referred by the State Treasurer to  
389 the Attorney General for such action as the Attorney General deems  
390 necessary.

391 (j) (1) As used in this subsection and subsections (c) to (i), inclusive,  
392 of this section, for any calendar year, the term "actual expenses  
393 incurred in connection therewith" may include as an allowable  
394 deduction the amount of any net operating loss for a prior calendar  
395 year as provided in this section. (2) The term "net operating loss"  
396 means the excess of itemized costs and expenses of office allowed by  
397 this section over the gross income. A net operating loss may be  
398 deducted in the calendar year following the year in which the net  
399 operating loss occurred, but (A) if the net income of such subsequent  
400 year is not sufficient to pay all of such net operating loss, then the  
401 balance of such net operating loss may be deducted in the second  
402 calendar year following such net operating loss; and (B) if the net  
403 income of such second calendar year is not sufficient to pay all of the  
404 remaining net operating loss, then the balance of such net operating  
405 loss may be deducted in the third calendar year following such net  
406 operating loss. In no event shall any such net operating loss or part

407 thereof be deductible for any report beyond the third calendar year in  
408 which it occurred.

409 (k) Notwithstanding the provisions of subsection (c) of this section  
410 concerning percentage payments, a judge of probate who is the judge  
411 in a court of probate designated as a high volume court shall be  
412 permitted to retain as net compensation, before the payment of any  
413 amounts due under sections 45a-34 to 45a-54, inclusive, and section  
414 45a-75, the sum which shall be the greater of (1) the net compensation  
415 resulting from the application of the percentages in subsection (c) of  
416 this section or (2) the compensation earned after payment of actual  
417 expenses of the office not to exceed seventy-five per cent of the amount  
418 of the salary of a Superior Court judge as determined in accordance  
419 with subsection (a) of section 51-47 as determined on July first of the  
420 calendar year for which the assessments are being paid pursuant to  
421 this section. If a judge of probate of a high volume court leaves office  
422 during a calendar year, or if a judge of probate of a high volume court  
423 assumes office and serves during a portion of the calendar year, the  
424 minimum net compensation provided in this section shall be prorated  
425 in accordance with the number of days served during the calendar  
426 year as the numerator, and three hundred [and] sixty-five as the  
427 denominator. [, provided if the business of the court in a calendar year  
428 does not produce sufficient income with which to pay the minimum  
429 net compensation, then payment for that year shall not be extended to  
430 subsequent calendar years.] For the purposes of this subsection, "high  
431 volume court" [shall mean] means a court of probate which serves a  
432 district having an estimated population of seventy thousand or more  
433 persons as reported in the State Register and Manual for the calendar  
434 year immediately preceding (A) the year for which the judge was  
435 elected, (B) the year in which such judge was elected, or (C) any year of  
436 the term of office of such judge. The amount of assessment payable to  
437 the State Treasurer under this section shall be reduced by the amount  
438 necessary to provide to the judge the minimum compensation to which  
439 such judge is entitled under this section, and the estimates of annual  
440 net income required in subsections (e) and (f) of this section may be

441 reduced accordingly. Minimum compensation as provided [herein] in  
442 this section shall only be payable if all ordinary and necessary  
443 expenses of the court are paid.

444 (l) This section applies only to income received by the courts of  
445 probate prior to January 5, 2011, except that payments made under  
446 section 45a-93, as amended by this act, to a judge who leaves office or  
447 dies while in office shall be subject to the assessment under subsection  
448 (c) of this section regardless of when such payments are made.

449 (m) Notwithstanding the provisions of this section, the  
450 compensation of each probate judge in office during the period from  
451 January 1, 2011 to January 4, 2011, inclusive, shall be calculated by  
452 multiplying the judge's allowable compensation for calendar year  
453 2010, as determined under the provisions of this section, by a fraction  
454 with the number of days served during such period as the numerator,  
455 and three hundred sixty-five as the denominator.

456 Sec. 8. Section 45a-93 of the 2010 supplement to the general statutes  
457 is repealed and the following is substituted in lieu thereof (*Effective*  
458 *from passage*):

459 (a) (1) If a judge of probate leaves office or dies while in office, the  
460 successor to such judge in said office shall pay to such judge or the  
461 personal representative of a deceased judge a sum representing the  
462 accounts receivable for payments due the court in accordance with  
463 section [45a-105] 45a-107, as of the date of separation from said office  
464 or the date of death in the case of a judge who dies while holding such  
465 office. Determination of the basis for such accounts receivable  
466 including computation for work in process shall be made in  
467 accordance with regulations issued by the Probate Court  
468 Administrator. Any payments made to such judge or the personal  
469 representative of a deceased judge shall be subject to the provisions of  
470 section 45a-92, as amended by this act, and no such payments shall be  
471 made unless and until the accounts receivable are collected, [by the  
472 successor judge] and no such payments shall be made [except within

473 the time for filing a statement signed under penalty of false statement  
474 showing the actual gross receipts of the itemized costs of the office in  
475 accordance with section 45a-92. There] after December thirty-first of  
476 the second calendar year following the year in which the judge leaves  
477 office or dies while in office. Prior to January 5, 2011, there may be  
478 deducted from any such amounts by a successor judge the cost of  
479 collection thereof, and any expenses directly attributable to the  
480 outgoing judge's or deceased judge's term of office paid by the  
481 successor judge.

482 (2) On and after January 5, 2011, such payments shall include only a  
483 sum representing accounts receivable for costs, charges and fees  
484 assessed on the estates of decedents arising in a town within the  
485 judge's district as such district existed on January 4, 2011. Such  
486 payments shall be made in annual installments, payable on or before  
487 April first of the year immediately following the year in which such  
488 accounts receivable are collected. There shall be deducted from any  
489 such payment (A) any assessment, penalty or interest due pursuant to  
490 section 45a-92, as amended by this act, and applicable regulations, (B)  
491 the cost of collection of such accounts receivable, and (C) any expenses  
492 directly attributable to the outgoing judge's or deceased judge's term of  
493 office.

494 (3) In no event shall any such payments exceed the maximums  
495 allowable under the provisions of section 45a-92, as amended by this  
496 act, in any one calendar year, and in the aggregate in no event shall the  
497 total payments payable under this section exceed one hundred per cent  
498 of the average final compensation for such judge as defined in  
499 subdivision (1) of section 45a-34, except that such allowable maximum  
500 payment shall not include any amounts of money due and payable to  
501 the judge at the time of separation from the court or at the time of such  
502 judge's death for amounts advanced by such judge to the court for  
503 operating expenses and not previously repaid, which amounts may be  
504 paid to such judge or personal representative upon receipt of  
505 satisfactory proof of the existence of balances due.



506 (b) (1) Except as provided in subdivision (2) of this subsection, the  
507 provisions of subsection (a) of this section shall apply to any judge in  
508 office on or before January 4, 2011.

509 (2) The provisions of subsection (a) of this section shall not apply to  
510 a judge who is [first] elected to a term that begins on or after January 5,  
511 2011. [, or who resumes office after a break in service on or after  
512 January 5, 2011.]

513 (c) On and after January 5, 2011, any payments due a judge under  
514 subsection (a) of this section shall be paid from the Probate Court  
515 Administration Fund.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 5, 2011</i>	45a-8a(g)
Sec. 2	<i>January 5, 2011</i>	45a-20
Sec. 3	<i>January 5, 2011</i>	45a-79b
Sec. 4	<i>January 1, 2011</i>	45a-44
Sec. 5	<i>January 1, 2011</i>	45a-45
Sec. 6	<i>from passage</i>	45a-74
Sec. 7	<i>from passage</i>	45a-92
Sec. 8	<i>from passage</i>	45a-93

**JUD**      *Joint Favorable Subst.*